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SIPDIS

STATE FOR PM/B- M. LINO  
FOR AF/W, L, T, IO, S/WCI, D, P  
DOD FOR OSD/ISP/NP - BILLINGSLEA

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TAGS: [PREL](#) [PHUM](#) [KTIA](#) [MARR](#) [NI](#) [KICC](#)  
SUBJECT: NIGERIA: INTERNATIONAL CRIMINAL COURT  
DEMARCHÉ

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CLASSIFIED BY AMBASSADOR HOWARD F. JETER. REASON 1.5  
(B) AND (D).

1. (C) With Foreign Minister Lamido in Kano because of the May 4 airplane crash (Lamido is from Kano), Ambassador delivered referenced talking points to Presidential Advisor Ad'obe Obe. (Obe was joined by his Special Assistant who served as his notetaker.) The Ambassador emphasized the Rome Statute would infringe national sovereignty, place a chilling effect on a country's participation in peacekeeping missions and undermine the authority of the UN Security Council. Obe took on the points positively, stating that he would relay our concerns to the President.

2. (C) On May 7, Ambassador met FM Lamido who had returned from Kano. The Ambassador delivered the same message to Lamido, stating that Nigeria should be particularly concerned given its active participation in peacekeeping operations, both those undertaken by the sub-region as well as under UN mandate. Lamido responded that Nigeria understood and would respect our position. However, he opined that as the universal beacon "of hope and justice," the United States should be party to the ICC. He remarked the national sovereignty argument was powerful but double-edged. With the USG now asserting this claim, other countries could more easily invoke the same doctrine to thwart international consideration of issues, such as human rights concerns in specific countries. The Ambassador underscored the USG was not opposed to some international oversight and investigation of egregious crimes but simply that the ICC was a flawed instrument. He stated that national judicial mechanisms and, when necessary, ad hoc international tribunals such as those for the former Yugoslavia and Rwanda were more appropriate.

3. (C) A politician not very conversant with past allegations against some Nigerian peacekeeping forces, Lamido did not grasp the argument that the ICC possibly could seek jurisdiction over Nigerian peacekeepers. Discounting the potentiality, he stated Nigeria only participated in internationally approved PKOs. Thus, he could not foresee the ICC prosecutor indicting members of a PKO that had been approved by the UNSC. For him, the ICC was no threat to the UNSC's authority. The mentioning of the UNSC spurred a protracted monologue by Lamido, in which he managed to string together almost every major African leitmotifs in the global North-South dialogue, from Security Council expansion to debt relief. (That part of the meeting is reported septel.)

4. (C) If Lamido's position holds sway, we should not expect much support but also need not worry about opposition from Nigeria. However, when more experienced, discerning eyes look at this, they may see that Nigeria's national interests are better served by following the track we have chosen.

JETER